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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,042	11/08/2000	Stefaan Valere Albert Coussement	P4643	4522
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CENTRAL COAST PATENT AGENCY PO BOX 187 AROMAS, CA 95004				
			EXAMINER VU, THONG H	
			ART UNIT 2142	PAPER NUMBER H

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/710,042

Applicant(s)COUSSEMENT, STEFAAN
VALERE ALBERT**Examiner**

Thong H Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-34 are pending.

Claim Rejections - 35 USC § 112

2. Claims 1 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (i.e.: a software application distributed on at least the first and second server-nodes which is not described in specification. Examine interprets as any server connected to network contain a software which communicates to other server).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6,10-26,30-34 are rejected under 35 U.S.C. § 103 as being unpatentable over Kay et al [Kay 6,430,602 B1] in view of O'Brien [6,587,831 B1]

3. As per claim 1, Kay discloses a network-based system for enabling users of the system to obtain current agent-status Information (i.e.: instant message) related to agents of an information-source facility (i.e.: query response server) connected to the network before initiating contact with the agent or agents of the information-source facility comprising
a first server node connected to the information-source facility and to the network [Kay, a local server 30, Fig 2];

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a second server node connected to the first server node and to the network, the first server node accessible to the second server node [Kay message server 30 or web server 36, Fig 2].

a network-capable appliance connected to the network, the second server node accessible to the network-capable appliance [Kay, instant message protocol, col 9 line 65-col 10 line 34], and

a software application distributed on at least the first and second server-nodes, the software application enabling distribution of the (agent status) information wherein the user operating the network-capable appliance accesses the second server node and requests the agent-status information, the (agent-status) information accessed from the first server node by the second server node and delivered to the requesting user [Kay, instant message provider, col 4 lines 25-48]. It was clearly that the servers of network have used a same software application for communication.

However Kay does not detail the information as agent status information. A skilled artisan would have motivation to improve the instant message system and found O'Brien teaching. O'Brien discloses a Online Scheduling and Shift Management system using the instant message [O'Brien col 6 line 52-col 7 line 2] to provide a status flag or status information [O'Brien, status flag, col 13 lines 20-53]. It was clearly that the agent user using status data to provide information to the client.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the instant message with status flag of

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status information in order to utilize the instant message environment. Doing so would provide the most update information to network user.

4. Claim 19 contains the similar limitations set forth of apparatus claim 1. Therefore, claim 19 is rejected for the similar rationale set forth in claim 1.

5. As per claims 2,20 Kay-O'Brien disclose the network is a data packet-network [Kay, data packet, col 6 lines 43-61].

6. As per claims 3,21 Kay-O'Brien disclose the data-packet-network is the Internet network [Kay Internet, col 6 lines 7-42].

7. As per claims 4,22 Kay-O'Brien disclose the information-source facility is a communication center marketing products and or service to the users [Kay database 24, Fig 1].

8. As per claims 5,24 Kay-O'Brien disclose the agents are human resources employed by the communication center as inherent feature of client/server communication.

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9. As per claims 6,25 Kay-O'Brien disclose the agents are automated systems implemented at the communications center [Kay, an instant messaging system, col 4 lines 25-57]

10. As per claims 10,30 Kay-O'Brien disclose the agent-status information delivered to the requesting user is specific to the request initiated by the user [Kay, specified by the user, col 4 line 58-col 5 line 7].

11. As per claims 11,31 Kay-O'Brien disclose the agent-status information automatically updates periodically during a user session [Kay, schedule a reminder, col 9 lines 15-29].

12. As per claims 12,32 Kay-O'Brien disclose the agent-status information is continually streamed to the requesting user during session [Kay instant messaging stream, col 6 lines 43-61].

13. As per claim 13, Kay-O'Brien disclose the agent-status information is pulled from the first server node by the second server node according to the user's request [Kay, local server 34, message server 30 and web server 36, Fig 2].

14. As per claim 14, Kay-O'Brien disclose the agent-status information is pushed to the second server node by the first server node and is available to be pulled by the user [Kay, local server 34, message server 30 and web server 36, Fig 2].

15. As per claims 15,34 Kay-O'Brien disclose the software application uses instant message technology in the transfer of agent-status information [Kay instant message system, col 4 lines 25-57].

16. As per claim 16, Kay-O'Brien disclose the software application uses streaming technology in the transfer of agent-status information [Kay instant messaging stream, col 6 lines 43-61].

17. As per claim 17, Kay-O'Brien disclose the software application embeds the agent-status information into a Web page requested by the user [O'Brien, the instant message col 6 line 52-col 7 line 2; to provide a status flag, col 13 lines 20-53]

18. As per claim 18, Kay-O'Brien disclose the functions of the first and second server nodes are implemented within a single server node connected to the communications center, the network, and accessible to the network-capable appliance as a design choice.

19. As per claim 26, Kay-O'Brien disclose the agent status information is compiled using agent monitoring software as inherent feature of instant messaging system.

20. As per claim 33, Kay-O'Brien disclose there are more than one server nodes in line on the network path, the server nodes hosted by the communication center as inherent feature of Internet.

Claims 7-9,27-29 are rejected under 35 U.S.C. § 103 as being unpatentable over Kay et al [Kay 6,430,602 B1] in view of O'Brien [6,587,831 B1] and further in view of Kaish et al [Kaish 5,633,924].

21. As per claims 7,27 Kay-O'Brien disclose the agent-status information includes a description of the agent and or agents capabilities, and an estimated time for response by the agent or agents [Kay, formulated request, col 7 lines 42-58]. However Kay-O'Brien did not detail the number of calls waiting in the agent's or agents' queue or queues,

It was well known in the art that a telecommunication network integrated to ACD network could provide the status information for monitoring the operation parameters of system such as call-waiting times [Kaish col 2 line 60-col 3 line 12].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate technique of using the software application to monitor the status information as taught by Kaish into the Kay-O'Brien

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apparatus in order to utilize the instant messaging environment. Doing would provide a quick and simple process to update the latest data to network client.

22. As per claims 8,28 Kay-O'Brien-Kaish disclose the number of calls waiting information [Kaish col 2 line 60-col 3 line 12] and the estimated time for response information is averaged over a group of agents [Kay, load balancing algorithm, col 7 lines 1-9].

23. As per claims 9,29 Kay-O'Brien-Kaish disclose a number of calls waiting information [Kaish col 2 line 60-col 3 line 12] and the estimated time for response information is specific to a specific agent user [Kay, specified by the user, col 4 line 58-col 5 line 7].

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6,10-11,13-14,17-26 are rejected under 35 U.S.C. § 102(e) as being anticipated by Woods [6,651,085 B1]

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24. As per claim 1, Woods discloses a network-based system for enabling users of the system to obtain current agent-status Information (i.e.: monitoring/ tracking the agent status, Woods col 4 lines 48-67; current status of agent, col 5 line 50-col 6 line 15) related to agents of an information-source facility (i.e.: a customer contact processing center, Woods col 12 lines 6-25) connected to the network before initiating contact with the agent or agents of the information-source facility comprising

a first server node connected to the information-source facility and to the network; a second server node connected to the first server node and to the network, the first server node accessible to the second server node (Woods, server 16 and a separate server, col 4 lines 25-47).

a network-capable appliance connected to the network, the second server node accessible to the network-capable appliance (Woods, Internet and PSTN, col 3 lines 39-59, col 4 lines 25-47), and

a software application distributed on at least the first and second server-nodes, the software application enabling distribution of the agent status information wherein the user operating the network-capable appliance accesses the second server node and requests the agent-status information, the agent-status information accessed from the first server node by the second server node and delivered to the requesting user (Woods, user checks the status for the selected agents, col 5 line 50-col 6 line 15).

25. Claim 19 contains the similar limitations set forth of apparatus claim 1. Therefore, claim 19 is rejected for the similar rationale set forth in claim 1.

26. As per claims 2,20 Woods discloses the network is a data packet-network (Woods, Internet, col 3 lines 39-59).

27. As per claims 3,21 Woods discloses the data-packet-network is the Internet network (Woods, Internet, col 3 lines 39-59).

28. As per claims 4,22,23 Woods discloses the information-source facility is a communication center marketing products and/or service to the users (Woods, a customer contact processing center, col 12 lines 6-25).

29. As per claims 5,24 Woods discloses the agents are human resources employed by the communication center.

30. As per claims 6,25 Woods discloses the agents are automated systems implemented at the communications center (Woods, the agent status is automatically updated, col 6 lines 41-65)

31. As per claim 10, Woods discloses the agent-status information delivered to the requesting user is specific to the request initiated by the user (Woods, select specific criteria, col 5 lines 35-49).

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32. As per claim 11, Woods discloses the agent-status information automatically updates periodically during a user session (Woods, the agent status is automatically updated, col 6 lines 41-65).

33. As per claim 13, Woods discloses the agent-status information is pulled from the first server node by the second server node according to the user's request (Woods, Web server 16 and a separate server, col 4 lines 25-47).

34. As per claim 14, Woods discloses the agent-status information is pushed to the second server node by the first server node and is available to be pulled by the user (Woods, Web server 16 and a separate server, col 4 lines 25-47).

35. As per claim 17, Woods discloses the software application embeds the agent-status information into a Web page requested by the user (Woods, Web server 16 and a separate server, col 4 lines 25-47)

36. As per claim 18, Woods discloses the functions of the first and second server nodes are implemented within a single server node connected to the communications center, the network, and accessible to the network-capable appliance as a design choice.

37. As per claim 26, Woods discloses the agent status information is compiled using agent monitoring software (Woods, tracking the agent status, col 4 lines 48-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9,12,15-16,27-34 are rejected under 35 U.S.C. § 103 as being unpatentable over Woods [6,651,085 B1] in view of Baker et al [Baker 6,611,498 B1]

38. As per claims 7,27 Woods discloses the agent-status information includes a description of the agent and or agents capabilities, (Woods, available, training, meeting, at home, wait time, col 5 line 50-col 6 line 15). However Woods does not detail the number of calls waiting in the agent's or agents' queue or queues, and an estimated time for response by the agent or agents

A skilled artisan would have motivation to improve the agent status report and found Baker teaching. Baker discloses a Web-based call management system wherein the number of calls currently in queue waiting for an available agent, an average time and total time available (Baker, col 26 lines 5-28)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate technique of using the ACD software to monitor the status information such as the waiting time in queue as taught by Baker into

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the Woods apparatus in order to utilize the agent status report. Doing would provide a quick and simple process to update the latest data to network communication center.

39. As per claims 8,28 Woods-Baker disclose the number of calls waiting information and the estimated time for response information is averaged over a group of agents (Baker, col 26 lines 5-28) .

40. As per claims 9,29 Woods-Baker disclose a number of calls waiting information and the estimated time for response information is specific to a specific agent user (Baker, col 26 lines 5-28).

41. As per claim 12, Woods-Baker disclose the agent-status information is continually streamed to the requesting user during session (Baker, col 26 lines 5-28).

42. As per claims 15,34 Woods-Baker disclose the software application uses instant message technology in the transfer of agent-status information (Baker, messaging services, col 7lines 1-5).

43. As per claim 16, Woods-Baker disclose the software application uses streaming technology in the transfer of agent-status information (Baker, messaging services, col 7 lines 1-5).

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44. As per claim 30 Woods-Baker disclose the agent-status information delivered to the requesting user is specific to the request initiated by the user (Woods, select specific criteria, col 5 lines 35-49).

45. As per claim 31 Woods-Baker disclose the agent-status information automatically updates periodically during a user session (Woods, the agent status is automatically updated, col 6 lines 41-65).

46. As per claim 32 Woods-Baker disclose the agent-status information is continually streamed to the requesting user during session (Woods, the agent status is automatically updated, col 6 lines 41-65).

47. As per claim 33, Woods-Baker disclose there are more than one server nodes in line on the network path, the server nodes hosted by the communication center (Woods, the customer processing system and web server and separate server, col 4 lines 25-47).

48. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (703) 305-9705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

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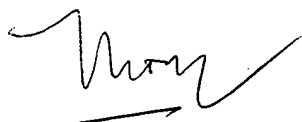
After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
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A handwritten signature in black ink, appearing to read 'Thong Vu', with a horizontal line underneath the signature.